

EXHIBIT "E"

P R E S E N T :

Hon. DAVID I. SCHALIT Justice

Cal. No.

Index No.

BOOK

Plaintiff(s)

- against -

BNC MORTGAGE, INC.

Defendant(s)

Papers Numbered

The following papers numbered 1 to read on this motion

The following papers numbered
Notice of Motion - Order to Show Cause
(Affirmations) Annexed

Notice of Motion - Order to Show Cause
and Affidavits (Affirmations) Annexed

Answering Affidavit (Affirmation).

Reply Affidavit (Affirmation).

Affidavit (Affirmation)

Pleadings - Exhibits.

Pleadings - Exhibits _____
Stipulations - Minutes _____

Filed Papers.

Stipulations - Minutes
Filed Papers

Upon defendant BNC Mortgage, Inc.'s ("BNC") order to show cause dated October 29, 2007, the supporting papers annexed thereto, and the Affirmation of plaintiff's attorney submitted in opposition to the motion, and third-party defendant Matteo Patisso's failure to oppose the motion or appear on the return date:

1. BNC's motion against Patisso is granted to the extent that, within 30 days hereof, Patisso will provide all further documents responsive to BNC's requests, in his possession, custody or control, or an affidavit that there are no such documents, and shall submit to an FBI in that timeframe. Failure to comply shall result in the automatic striking of Patisso's answer.

2. ~~Patisso's answer~~ In the event that plaintiffs are successful at trial, BNC shall be entitled to an equitable lien on 483 Bevrman Street, Brooklyn, New York (Block 4454, Lot 52), in the amount of \$26,831.84, plus interest at 9% per annum from

For Clerks use only

For Clerks use only

MG_____

MD

Motion Seq. #

Alfred. 1818

$\frac{1}{2} \times 10 \times 10 = 50$

by way of

FD-302 (Rev. 11-04-03)

EJ V-REV 11-04

Dec-05-20

February 24, 2004

3. Plaintiffs withdrew the claims on the complaint for attorney's fees.

4. With respect to the motion to strike plaintiffs' demand for compensatory & punitive damages, during service of the motion for their opposition by _____ ENTER _____

on or before 11/21/07, + Balc may reply _____

on or before 12/11/07. No further appearance _____

in written necessary 12/3/07 3:00 PM HON. DAVID T. SCHMIDT

5. The trial is adjourned. The parties are to appear for conference on 1/23/08.

